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REMARKS/ARGUMENTS

Claim Amendments

Claim 1 defines selectively overriding DnD functionality based on an ignoreDnD attribute. Applicant submits that the ignoreDnD attribute is not an identifier of the caller, but rather is "for the user device" that the selective override function is being performed for. The ignoreDnD attribute is something that is applied to a condition or criterion of the call. An example criterion or condition includes calls that are marked as "urgent" or "emergency". Therefore, the present application allows selectively overriding DnD functionality <u>based on a condition or criterion of the call</u> other than a user device identifier, such as a priority of the call. For example, as described on page 13, lines 2-6, the talk request is provided with a priority indication indicating a priority of the talk request. As described on page 13, lines 24-30, if the talk request is of urgent priority and the ignoreDnD attributes indicates that urgent priority calls are to override the DnD functionality, then the DnD functionality is overridden. The application generally deals with applying to criteria other than device identifiers - e.g. a priority of a call (urgent), a priority, emergency call status, ignore reason list, etc. All of these things are independent of device identifiers.

To clarify the above-identified distinction, Claim 1 has been amended so as to recite, in part, "selectively overriding DnD functionality for the requested communications session based on an ignoreDnD attribute for the user device applied to a criterion <u>or condition</u> of the talk request <u>other than a user device identifier</u>". Support for this amendment is found in the application as originally filed, for example on page 14, lines 19-31. An example of a criterion or condition is priority. Claim claims 10 and 20 have been amended in a similar manner as claim 1.

New claims 26 and 27 define the access list, which specifies which other user devices are permitted to reach the user device that is involved with the requested communications session. Claims 26 and 27 recite "on overriding said DnD functionality, process[ing] the access list to assess whether the talk request should be forwarded to the user device or not". Support for claims 26 and 27 can be found in the description as originally filed, for example on page 14, lines 19-31.

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35 U.S.C. 102 Rejections

The Examiner has rejected claims 1-4, 10-11 and 20-21 as anticipated Ericsson, Motorola, Siemens, Nokia, Technical Specification (Push to Talk over Cellular (PoC); User Requirements; PoC Release 1.0; User Requirements V 1.1.1 (2003-10) hereinafter, "Ericsson"). Applicants respectfully traverse the rejection based on the reasons detailed below.

The Examiner first points to page 13, paragraph 5.10; page 13, paragraph 5.8; and page 17, paragraph 6.2.1.1 of Ericsson as, in combination, anticipating claims 1 and 10. Page 13, paragraph 5.10 of Ericsson discloses an accept list and a reject list: "On the reject list the user maintains users and/or groups from whom the user does not accept to receive instant talk session requests. ... On the accept list the user maintains users and/or groups from whom the user accepts to receive instant talk session requests". The information in the accept list and the reject list is therefore the identity of the requesting user. Claims 1, 10 and 20 have been amended to exclude the user identifier as criteria for ignoring the do-not-disturb. Thus the reject list and the accept list do not contain the "criterion or condition" now recited in claims 1, 10 and 20.

The Examiner then points to page 13, paragraph 5.8 of Ericsson which discloses do-not-disturb (DnD) functionality: "If the invited user has DnD active, the inviting or adding user shall receive an indication that the invited user is busy. A user shall be able to easily activate and deactivate the DnD function". This is the disclosure of a do-not-disturb function which is separate from the accept list and reject list identified above. The processing when the DnD is active does not consider the accept and reject lists. The accept and reject lists do not provide an ignoreDnD function.

Next the Examiner points to page 17, paragraph 6.2.1.1 of Ericsson which provides an example operation of an inviting user and discloses that the "inviting user shall be able to initiate an instant personal talk session with another single user. For instance a user selects the invited user from the contact list and presses a button to trigger the session establishment. ... [T]he floor idle or start talking indication is given to the inviting user before the invited user is reached. The system shall before giving the indication, check that the invited user is registered, incoming sessions are not blocked for any reason when the Do-not-disturb is active." The Examiner has

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equated "incoming sessions are not blocked" with "ignoreDnD". However this would mean that "when the Do-not-disturb is active" should equate to "criterion or condition of the talk request". Obviously, these do not equate. The do-not-disturb function is set to "active" by the user and is not a "criterion or condition of the talk request". Further, the above underlined excerpt from paragraph 6.2.1.1 is contradictory to the excerpt from paragraph 5.8 which provides that if "the invited user has DnD active, the inviting or adding user shall receive an indication that the invited user is busy" and therefore renders Ericsson unclear in its teachings.

In summary, Ericsson teaches accept and reject list of users and a do-not-disturb functionality. Ericsson does not teach an "ignoreDnD attribute for the user device applied to a criterion or condition of the talk request other than a user device identifier". Based on the foregoing, applicant submits that claims 1, 10 and 20, as amended, are novel over Ericsson.

Claims 2, 3, 4, 11 and 21 depend from claims 1, 10 and 20 and are novel over Ericsson for at least the same reasons.

35 U.S.C. 103 Rejections

The Examiner has rejected claims 5-9, 12-19, 22-23 and 25 as being unpatentable over Ericsson in view of Griffiths (U.S. PUB. 2002/0186827). Applicants respectfully traverses the rejection based on the reasons detailed below.

The Abstract of Griffiths teaches that one embodiment permits a subscriber to provision the call administration service using configuration files, which provide the capability to establish flexible scenarios for the allowance, denial and routing of incoming calls. Griffiths automatically routes authorised incoming calls, and permits unauthorised incoming calls to be routed in accordance with a caller's interactive responses. Such routing is accomplished based on the caller number. For example, Griffiths teaches in paragraph [0055] that the "CAS processor 290 then compares the extractor caller to the caller numbers in the access table". Therefore, Applicant submits that Griffiths performs routing of calls based on the identity of the caller.

Griffiths is concerned with the identity of the caller, and not with the priority of the call. In order to selectively override DnD functionality, the present application considers a criterion or

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condition of a talk request, such as the priority of the talk request, and compares this with the ignoreDnD attribute. It is respectfully submitted that Griffiths does not teach an ignoreDnD attribute since Griffiths is not concerned with a criterion or condition of a talk request, such as the priority of the talk request.

Applicant submits that the approach of Griffiths is completely different from the approach in the claims of the present application. Griffiths does not consider <u>a condition or criterion of the call other than a user device identifier</u> such as the priority of the call, but only the identity of the caller.

Claims 1, 10 and 20 as amended, and by extensions claims 5-9, 12-19, 22-23 and 25 which depend therefrom, clearly define selectively overriding DnD functionality <u>based on a condition or criterion of the call</u> such as a priority of the call.
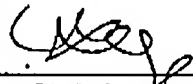
Griffiths does not overcome the deficiency of Ericsson. Accordingly, claims 5-9, 12-19, 22-23 and 25 are inventive over Ericsson in view of Griffiths.

In view of the foregoing, early favorable consideration of this application is earnestly solicited. In the event that the Examiner has concerns regarding the present response, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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Date: May 14, 2007

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